

SENATE BILL 2321  
By Kyle

AN ACT to amend Tennessee Code Annotated,  
Title 50, Chapter 6, Parts 1, 2, 4 and 5,  
relative to workers' compensation, and  
Tennessee Code Annotated, Section 50-9-  
105(a)(7), relative to the Drug Free  
Workplace

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-6-110(c)(1), is amended by deleting the language "ten hundredths of one percent (.10%)" and substituting instead the language "eight hundredths of one percent (.08%)" after the words "greater than" and before the words "by weight" in the first sentence of the subsection.

SECTION 2. Tennessee Code Annotated, Section 50-6-118, is amended by adding the following new language as a new subsection (c):

(c) The commissioner, commissioner's designee, or an agency member appointed by the commissioner, may assess the penalties authorized by this Chapter upon providing to an employer, an employee, an insurer, and/or a self-insured pool or trust notice and an opportunity for a hearing. If a hearing is requested, the commissioner, commissioner's designee, or an agency member appointed by the commissioner, shall have authority to hear the matter as a contested case, and the authority to hear the administrative appeal of an agency decision, relating to the assessment of a penalty(s) authorized by this Chapter. When a hearing or review of an agency decision is requested, the requesting party shall have the burden of proving by a preponderance of the evidence that the penalized party was either not subject to the Workers' Compensation Law

(Title 50, Chapter 6) or that the penalty(s) assessed pursuant to this Chapter should not have been assessed.

SECTION 3. Tennessee Code Annotated, Section 50-6-121(a)(1)(C), is amended by deleting the language "and the successors shall serve a four-year term to begin on July 1, 2005" in the second grammatical sentence and by substituting instead the language "and the successors shall serve a four-year term to begin on July 1, 2006".

SECTION 4. Tennessee Code Annotated, Section 50-6-129, is deleted in its entirety and repealed.

SECTION 5. Tennessee Code Annotated, Section 50-6-203(b)(1), is amended by deleting the word "voluntarily".

SECTION 6. Tennessee Code Annotated, Section 50-6-203(c), is amended by deleting the word "voluntary".

SECTION 7. Tennessee Code Annotated, Section 50-6-208, is amended by adding the following new language as a new subsection (h):

(h) In order to require the Second Injury Fund to participate in the benefit review conference, a party shall serve notice of potential liability on the Fund.

SECTION 8. Tennessee Code Annotated, Section 50-6-236(i), is amended by deleting the language "as part of a benefit review conference," after the word "discovery" and before the language "workers"; and is further amended by adding the language ",either on their own or" after the language "shall have the authority" and before the language "at the request of either party".

SECTION 9. Tennessee Code Annotated, Section 50-6-405(b)(1)(G)(ii), is amended by deleting the existing language in its entirety and substituting instead the following language:

If the self-insured employer and depository institution fail to comply with subdivision (b)(1)(G)(i) of this section, the certificate of deposit shall be automatically renewed.

SECTION 10. Tennessee Code Annotated, Section 50-6-405(b)(2), is amended by deleting the language “sixty (60) days after the company’s immediately preceding fiscal year” and substituting instead the language “the last day of the sixth month after the end of the employer’s immediately preceding fiscal year”.

SECTION 11. Tennessee Code Annotated, Section 50-6-405(b)(7), is amended by deleting from the second sentence the language “chapter 1, part 4 of this title” and substituting instead the language “Tennessee Code Annotated, Title 56, Chapter 1, Part 4”.

SECTION 12. Tennessee Code Annotated, Section 50-6-405(c), is amended by adding the following language as a new, appropriately designated subdivision:

All groups pooling their liabilities pursuant to this chapter shall pay premium tax and surcharges at the rates set forth in Tennessee Code Annotated, Section 56-4-206. Each group’s premium tax and surcharge payments shall be due on or before the last day of the sixth (6th) month following the end of the group’s fiscal year. Any group failing to timely pay such taxes and surcharges shall be subject to the penalties and sanctions set forth in Tennessee Code Annotated, Section 56-4-216.

SECTION 13. Tennessee Code Annotated, Section 50-6-501(a), is amended by deleting the language “in the top twenty-five percent (25%) of all covered employers’ modification factors (or rates) applied to the premium” and substituting instead the language “greater than or equal to one and twenty hundredths (1.20)”.

SECTION 14. Tennessee Code Annotated, Section 50-9-105(a)(7), is amended by deleting the word “written” after the word “receiving” and before the word “notification”.

SECTION 15. This act shall take effect upon becoming a law, the public welfare requiring it.